EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GARY W. SCHONS
Senior Assistant Attorney General
KEVIN VIENNA
Supervising Deputy Attorney General
KEVIN VIENNA, State Bar No. 186751
Supervising Deputy Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2198
Fax: (619) 645-2191
Email: Kevin.Vienna@doj.ca.gov

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GENGHIS KHAN ALI STEVENSON, Petitioner, **v.** **DERRAL G. ADAMS, Warden,** Respondent.	08-1126 W (LSP) **APPLICATION FOR ENLARGEMENT OF TIME TO FILE ANSWER TO PETITION** The Honorable Leo S. Papas United States Magistrate Judge

Kevin R. Vienna declares:

I am the Deputy Attorney General assigned to prepare response in this matter. A motion to dismiss is due on August 11, 2008, or an answer on the merits is due on August 26, 2008. As explained below, other work – with earlier due dates – precluded my work on this matter until recently. In addition, much of my last week has been spent in preparation for an argument in the Ninth Circuit, on which I was required to substitute at the last minute.

I expect to begin working principally on this matter within about the next week, and I expect to complete it shortly thereafter. Accordingly, as explained further below, I ask the Court to grant an enlargement of time of about one month within which to file our response.

A. Background

Petitioner Stevenson challenges a 2006 conviction in Imperial County Superior Court. Following his pleas of no contest to the charge of possession of a weapon by a state prisoner, the trial court imposed a sentence of six years imprisonment.

The sentence was awarded on February 28, 2006. Stevenson did not file an appeal. It appears he first challenged the judgment in a petition for writ of habeas corpus filed in the California Court of Appeal about May 12, 2006. That petition was denied on the merits on June 29, 2006. Stevenson next constructively filed a habeas corpus petition in the California Supreme Court about December 1, 2006. That petition was denied summarily on June 13, 2007. The current federal Petition appears to have been constructively filed almost one year later, on June 10, 2008. Based on my initial view of this procedural history, I believe the current Petition is untimely. I have obtained copies of the state habeas corpus petitions filed by Stevenson, so I believe I now have the records required to support a motion to dismiss.

B. Counsel's Status

This case was assigned to me about July 11, 2008. At that time, I had a number of other cases assigned to me with existing due dates. I generally work on cases in the order in which they are assigned. In about the last month, I have completed work on the following cases:

Wooley v. People	EDCV 08-0333, SD
Russ v. Yates	EDCV 08-00539
Lohman v. Felker	07-0905
Kanehe v. Tilton	EDCV 08-369
Thomas v. Ayers	EDCV 08-00606
Arberry v. Figueroa	08cv0813
Zabala v. Horel	EDCV 08-0647
Johnson	No. 07-55647 (oral argument)

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Reyes v. Martel	08cv791
Luna v. Evans	EDCV 08-636
Moore v. Dexter	EDCV 08-0130
Heath v. Tilton	08-55293 (oral argument)

I completed oral argument in the Heath matter yesterday. Heath was reassigned to me because the originally assigned deputy had to depart on family leave to care for her mother. This was the third time the Heath matter had been in the court of appeal, and the complex procedural and factual history required my review for much of the last week to prepare for the argument.

I have two other matter that was assigned before the instant *Stevenson* matter; one of which is *Barnes v. Campbell*, an appellee's brief in the Ninth Circuit. I expect to complete my draft of that brief over the weekend. The other matter is *Parrish v. Yates*, EDCV 07-01402, which I hope to complete by late next week. At that point, I will be able to work principally on the *Stevenson* matter until completion.

Additionally, I am on this office's habeas corpus team. That means my work is routinely interrupted by questions from other deputies regarding federal habeas corpus matters.

Granting of an enlargement of time will permit the response to be prepared without impairing quality and will afford adequate time to obtain and copy necessary records, for review and processing in this office, and for filing in this Court. Should this extension be granted, I will seek to complete the briefing based on the schedule described above, and I will not place this matter at any lower priority. All extension requests and progress are monitored by the senior assistant attorney general in charge of this office.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 8, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GARY W. SCHONS
Senior Assistant Attorney General

KEVIN VIENNA
Supervising Deputy Attorney General

/s/ Kevin Vienna
KEVIN VIENNA
Supervising Deputy Attorney General

Attorneys for Respondent

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SD2008801728

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Stevenson v. Adams**

No.: **08-1126 W (LSP)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 8, 2008, I served the attached **APPLICATION FOR ENLARGEMENT OF TIME TO FILE ANSWER TO PETITION** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Genghis Khan Ali Stevenson
California State Prison, Corcoran
CDCR No. P-46050
P.O. Box 3481
4001 King Avenue
Corcoran, CA 93212

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 8, 2008, at San Diego, California.

B. Trigueros	B. Trigueros
Declarant	Signature

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